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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 4-12-70394-MAG
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER AND
	)	STIPULATION FOR CONTINUANCE
v.	)	FROM JUNE 27, 2012 TO JULY 25, 2012
	)	AND EXCLUDING TIME FROM THE
LARRY ROBERSON,	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(8)(A)) AND
Defendant.	)	WAIVING TIME LIMITS UNDER RULE
	)	5.1

On June 27, 2012, the parties appeared before Magistrate Judge Kandis Westmore and Camellia Baray was appointed as attorney of record for the defendant. The preliminary hearing in this matter is currently scheduled for July 3, 2012. With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of July 25, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from July 3, 2012 to July 25, 2012. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.

2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

4. Counsel for the defense believes that postponing the preliminary hearing is in her client's best interest, and that it is not in her client's interest for the United States to indict the case during the normal 14-day timeline established in Rule 5.1.

5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from July 3, 2012 to July 25, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on July 25, 2012, at 9:30 a.m., and (2) orders that the period from July 3, 2012 to July 25, 2012, be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: June 27, 2012

\_\_\_\_\_/s\_\_\_\_\_  
CAMELLIA BARAY  
Attorney for Defendant

DATED: June 27, 2012

\_\_\_\_\_/s\_\_\_\_\_  
AARON D. WEGNER  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: June 28, 2012

  
\_\_\_\_\_  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge